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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,834	12/20/2001	Carsten Behrensmeier	V201-0634 (VGT 0272 PA)	3342

7590 09/03/2003

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/028,834	BEHRENSMEIER ET AL
	Examiner Steven M Marsh	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 June 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10, 12-15 and 20-22 is/are pending in the application.

4a) Of the above claim(s) 1-9 and 16-19 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10, 12-15 and 20-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

This is the second office action for U.S. Application 10/028,834 for a Composite Linkshaft Bracket filed by Carsten Behrensmeier et al. on December 20, 2001. Claims 1-9 and 16-19 have been withdrawn, claim 11 has been canceled and claims 20-22 have been added.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14 and 22 contain the trademark/trade name Stanyl. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a reinforced polyamide plastic and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 103***

Claims 10, 12-15, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid et al. in view of the prior art disclosed by Applicant in the specification. Reid et al. discloses a bracket with an upper portion (24a) that has a plurality of mounting holes that receive a pair of mounted studs (28), and an upper semi-circular region. The bracket also has a lower portion (24b) coupled to the upper portion that has a lower semi-circular region and a pair of inlets (any 2 of the holes that receive the bolts on the lower portion left over from the 2 mounting holes). The inlets couple with a corresponding one of the pair of mounted bolts and surround and support a shaft. The upper portion also has a plurality of raised ribbed regions (between the bolts 28).

Reid et al. does not disclose the materials used for the upper and lower portions of the bracket. Applicant discloses reinforced heat resistant aliphatic polyamide (a polymer with 30% glass fiber reinforcement) with a heat distortion temperature of 290 degrees Celsius as a known material manufactured by DSM Engineering Plastics. It would have been obvious to one of ordinary skill in the art at the time of the present invention, to have used the known material disclosed in Applicant's specification, for the bracket taught by Reid et al., for the purpose of providing the bracket with a high heat distortion temperature.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reid et al. in view of the prior art disclosed in Applicant's specification, in further view of U.S.

Patent 4,679,676 to King et al. The bracket taught by Reid et al. in view of the prior art disclosed in Applicant's specification, does not specifically disclose a metal lower portion. King et al. discloses that journal blocks can be made of metal. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have made the lower portion of the journal block taught by Reid et al. in view of the prior art disclosed by Applicant in the specification, out of metal, as known in the prior art and disclosed by King et al., for the purpose of increased strength.

#### ***Response to Arguments***

Applicant's arguments filed June 9, 2003 have been fully considered but they are not persuasive. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

*SM*

Steven Marsh

August 21, 2003

*L.A.B.*  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER